

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

RECEIVED
U.S. DIST. COURT
BRUNSWICK DIV.

2006 NOV 21 A 11:34

CLERK 
SO. DIST. OF GA.

PHILLIP H. FLOURNOY and)
KATHY FLOURNOY,)
Individually and on Behalf of a Class of)
All Other Persons Similarly Situated,)

Plaintiffs,)

v.)

CIVIL ACTION FILE
NO. CV 205-184

HONEYWELL INTERNATIONAL,)
INC., formerly known as ALLIED)
CHEMICAL CORPORATION and as)
ALLIEDSIGNAL, INC.,)

Defendant.)

**ORDER FOR PRELIMINARY APPROVAL AND HEARING
ON PROPOSED SETTLEMENT**

It is ORDERED:

1. Proposed Settlement. The proposed settlement between the Plaintiff class and the Defendant appears, upon preliminary review, to be within the range of reasonableness and accordingly shall be submitted to the class members for their consideration and for a hearing under Fed.R.Civ.P. 23(e).

2. Certification of Settlement Class. The Court has by separate order certified a class of Plaintiffs defined as follows:

a. The Class Area is that area of land lying in Glynn County, Georgia, described as follows:

1. All of those parcels of land lying and being in Glynn County, Georgia, which abut the eastern border of Blythe Island from and including Fiddler's Island to Blythe Island Regional Park. The "eastern border of Blythe Island" is

formed, at different points, by waterfront, marshfront, beachfront, Midway Circle, the sidewalk formally known as Beachside Drive, and Banks Drive.

2. All of those parcels of land lying and being in Glynn County, Georgia, which abut the waterfront and/or marshfront between Crispin Boulevard and the LCP plant site, which abut the waterfront and/or marshfront of Gibson Creek and its tributaries, of Yellow Bluff Creek and its tributaries west of the Altamaha Canal, of Purvis Creek and its tributaries, or are adjacent to the Altamaha Canal south of Robarts Road and north of Glynn County's maintenance facility and firing range.
 3. All properties owned, operated or claimed by Glynn County are specifically excluded.
 4. All properties owned, operated or under the control of the Defendant, Georgia Pacific Corporation, Georgia Power Company, LCP Chemicals- Georgia, Inc. and related parties and property containing industrial waste ponds within the above-described geographic area are specifically excluded.
- b. The Settlement Class is defined as:

All persons who own property within the Class Area and all persons who owned property within the Class Area as of January 25, 1995, or since January 25, 1995.

3. Hearing. A hearing shall be held in the courtroom of the United States District Courthouse, on Friday, April 6, 2007, at 9:00 a.m. to consider whether the settlement should be given final approval.

(a) Objections by class members to the proposed settlement will be considered if filed in writing with the Clerk and served on class counsel on or before January 2, 2007.

(b) At the hearing, class members may be heard orally in support of or in opposition to the settlement, provided such persons file with the Clerk by January 2, 2007, a written notification of the desire to appear personally, indicating (if in opposition to the settlement) briefly the nature of the objection.


(c) Counsel for the class and for the Defendant should be prepared at the hearing to

respond to objections filed by class members and to provide other information, as appropriate, bearing on whether or not the settlement should be approved.

4. Requests for Exclusion. Class members who wish to exclude themselves from this action may do so by mailing a written request for exclusion to Pamela S. James, Bell & James, Post Office Box 1547, Augusta, Georgia 30903-1547. Requests for exclusion must be postmarked no later than January 2, 2007. Class members who do not submit a timely request for exclusion will be bound by any judgment entered by this Court approving the proposed settlement.

5. Notice. The Plaintiffs' counsel shall by December 1, 2006, cause to be mailed in the name of the clerk by first class mail, postage prepaid, to members of the class, a notice in substantially the same form as Attachment A. The Court reserves jurisdiction and final decision upon all questions as to the form of said Notice until the time of mailing. Should the parties determine after the mailing of notice that there are class members who were not sent notice, the parties may apply to the Court for leave to send notice to such class members with appropriate dates for objections and opt-outs for those class members.

SO ORDERED, this the 21st day of November, 2006.


United States District Judge
United States District Court
For the Southern District of Georgia
Brunswick Division

TAB A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

PHILLIP H. FLOURNOY and KATHY)
FLOURNOY, Individually and on Behalf of a)
Class of All Other Persons Similarly Situated,)

Plaintiffs,)

v.)

HONEYWELL INTERNATIONAL, INC.,)
formerly known as ALLIED CHEMICAL)
CORPORATION and as ALLIEDSIGNAL, INC.,)

Defendant.)

CIVIL ACTION FILE
NO. CV 205-184

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

TO: CLASS MEMBERS [Former and Current Property Owners in the Turtle River Estuary]

The purpose of this notice is to advise you of a proposed settlement in this case for the former and current owners of property located on the Turtle River, Gibson Creek, Purvis Creek, Yellow Bluff Creek, Morrison Slough and any tributaries flowing from these creeks ("the Class Area").

For purposes of settlement, the Court has certified a class of all persons who presently own property within the Class Area and all persons who owned property within the Class Area as of January 25, 1995, or since January 25, 1995.

If you, since January 25, 1995, owned property abutting one of these creeks or the Turtle River, you are a member of this class. The fact that you received this notice means that you have been identified as a former or current property owner in the Class Area.

Terms of Proposed Settlement

Subject to Court approval, the Plaintiffs and Defendant have agreed on a settlement under which the Defendant HONEYWELL INTERNATIONAL INC. will pay the amount of \$25,000,000.00 [the Settlement Fund]. This payment will be in final settlement of all claims by all class members against the Defendant alleged in this action. The Defendant denies any wrongdoing or liability on its part, but has agreed to the settlement primarily because of the substantial time, expense and other burdens it would likely incur in defending this case. The proposed settlement with the Defendant is a compromise of disputed claims and does not mean that the Defendant agrees in any way with the charges made by the Plaintiffs.

The settlement agreement provides that the Court will appoint a Special Master who will allocate the

settlement fund among the class members. The Special Master will consider factors such as the time you have owned the property, the distance of your property from the LCP plant, test results showing any levels of PCBs or mercury on your property, the value of your property and the use of your property. Former and current owners of class property can agree on how sums awarded for a particular property shall be divided. If there is no agreement on division, the Special Master shall determine how the award shall be allocated between the past and present owners.

The Settlement Fund will be used to pay for expenses of notice, settlement administration, the Special Master, fees and expenses of class counsel, and benefits awarded by the Special Master. All disbursements from the Settlement Fund will be approved by the Court.

Settlement Hearing and Elections

The Court will hold a hearing in the Courtroom of the United States District Courthouse, Gloucester Street, Brunswick, Georgia, at 9:00 a.m., on April 6, 2007, to determine whether, as recommended by both class counsel and the class representatives, it should approve the proposed settlement. If the settlement is approved, the Court will then proceed with a hearing to determine fees and expenses of class counsel.

Objections to the proposed settlement by class members will be considered by the Court, if such objections are filed in writing with the Clerk by January 2, 2007. Copies of any objections must also be served upon class counsel. Attendance at the hearing is not necessary; however, class members wishing to be heard orally in opposition to the proposed settlement should indicate in their written objection their intention to appear at the hearing. The address for the Clerk of Court is: United States District Court, Brunswick Division, Federal Building, Gloucester Street, Brunswick, Georgia 31520.

Class members who support the proposed settlement DO NOT NEED TO APPEAR AT THE HEARING OR TAKE ANY OTHER ACTION TO INDICATE THEIR APPROVAL.

If you are a member of the class and you do not wish to participate in the settlement of the lawsuit against the Defendant, you must send a written request for exclusion to Bell & James, Post Office Box 1547, Augusta, Georgia 30903-1547, postmarked no later than January 2, 2007. Otherwise, you will be bound by the terms of the Final Judgment and will be deemed to have released the Defendant from all possible causes of action relating to the lawsuit. If you remain a member of the class and do not wish to be represented by the class representatives and class counsel, you may enter an appearance through your own attorney at your own expense.

Further Proceedings

If the settlement is approved by the Court, the settlement will be administered to provide the benefits elected by each class member under the terms of the Settlement Agreement.

If the settlement is not approved, all class members desiring to pursue claims against the Defendant will be required to proceed with individual lawsuit against the Defendant.

Additional Information

Any questions you have about the matters in this notice should not be directed to the Court. Additional information and documents may be viewed at the Turtle River Settlement link at www.belljames.com. You may also telephone or write to Class counsel, who are:

John C. Bell, Jr.
Pamela S. James
BELL & JAMES
Post Office Box 1547
Augusta, GA 30903-1547
(706) 722-2014

Joel O. Wooten,
BUTLER, WOOTEN & FRYHOFFER, LLP
Post Office Box 2766
Columbus, GA 31902
(706) 322-1990

Robert P. Killian
KILLIAN & BOYD, P.C.
506 Monk Street
Brunswick, GA 31520
(912) 265-5063

DO NOT CALL THE CLERK OF COURT.

Deputy Clerk, United States
District Court for the Southern District of Georgia
Brunswick Division
United States Courthouse
801 Gloucester, 2nd Floor
Brunswick, Georgia 31520

Dated: _____, 2006.